

## **REMARKS**

Applicants reply to the Final Office Action dated March 4, 2011 within two months. Claims 29-54 are pending in the application and the Examiner rejects claims 29-54. Support for the amendments may be found in the originally-filed specification. No new matter is entered with these amendments. Applicants respectfully request reconsideration of this application.

## **Inventor Interview**

As an initial matter, Applicants thank the Examiner for the courtesies extended in the telephonic interview of April 20, 2011, wherein Applicants' representative and Examiner discussed the 35 U.S.C. § 112 and 35 U.S.C. § 103(a) rejections. Agreement was reached with regards to the arguments presented below with regards to the U.S.C. § 112 rejections. Applicants note that no agreement was reached during the interview with respect to the 35 U.S.C. § 103(a) rejections, but that the Examiner asserted she would carefully consider the presented arguments of this formal Reply. For instance, the Examiner noted that the cited references appeared to fail to disclose the incentive being based at least in part on system capabilities of the one or more remote distributed devices. Applicants believe the claims are currently in condition for allowance and respectfully request reconsideration of this application.

## **Rejections under 35 U.S.C § 101**

The Examiner rejects claims 43-48 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully disagree with this rejection, but Applicants present claim an amendment in order to clarify the patentable aspects of the claims and to expedite prosecution. Claim 43 is currently amended to recite "A non-transitory computer-readable storage medium," as such, Applicants believe the rejections under 35 U.S.C. § 101 are rendered moot. Moreover, the use of "non-transitory" is to be understood to remove only propagating transitory signals per se from the claim scope and does not relinquish rights to all standard computer-readable media that are not only propagating transitory signals per se. In other words, the meaning of "non-transitory computer-readable medium" should be construed to exclude only those types of transitory computer-readable media which were found in *Nuijten* to fall outside the scope of patentable subject matter under 35 U.S.C. § 101.

**Rejections under 35 U.S.C § 112**

The Examiner rejects claim 54 under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states the written description fails to clearly link or associate “means for identifying”; “means for providing”; and “means for receiving,” such that one of ordinary skill in the art would recognize what structure, material or acts perform the claimed function. Applicants respectfully traverse this rejection.

For instance, Figures 1A through 8 depict with particularity linked structure, material or acts to teach one of ordinary skill to perform the functions claims therein. Moreover, paragraphs [0006], [0025] and [0083] respectively state:

The present invention provides a sensor based network hosted on a distributed computing platform and associated method. The distributed computing platform takes advantage of unused capabilities of internet, intranet, wireless or otherwise network connected personal computers, internet appliances, notebook computers, servers, storage devices or any other connected computing device. One such capability as recognized by the present invention is the ability to provide the infrastructure support for sensors, such as power, communication services, recording, data logging services and other supporting services that would allow the sensor to gather data and provide and/or communicate that data in a useful and timely manner. In one example configuration, a sensor interfaces to a personal computer through network connections (wired and/or wireless), serial ports, USB ports or other communication ports and contains a single sensor, a single set of sensors, multiple sets of sensor devices or any other sensor configuration, as desired. These sensors can take on a wide variety of forms and purposes, including but not limited to sensors for weather related measurements, atmospheric conditions, air/water/environmental conditions, seismic activity, location information (such as GPS data), biological conditions, health conditions, and chemical measurements.

As described more fully therein, distributed processing systems according to the present invention may identify the capabilities of distributed devices connected together through a wide variety of communication systems and networks and then utilize these capabilities to accomplish network site testing objectives of the present invention. For example, distributed devices connected to each other through the Internet, Internet 2, an intranet network, a wide area network, a local area network, a wireless network, home networks, or any other network may provide any of a number of useful capabilities to third parties once their respective capabilities are identified, organized, and managed for a desired task. These distributed devices may be connected personal computer systems (PCs), internet appliances, notebook computers, servers, storage devices, network attached storage (NAS) devices, wireless devices, hand-held devices, or any other computing device that has useful capabilities and is connected to a network in any manner. The present invention further contemplates providing an incentive, which may be based in part upon capabilities of the distributed devices, to encourage users and owners of the

distributed devices to allow the capabilities of the distributed devices to be utilized in the distributed parallel processing system of the present invention.

FIG. 7 illustrates a sensor based distributed processing system 700 according to embodiments of the present invention. M distributed devices 750-754 are shown coupled to server system 713 through network 704. Server system 713 has provided incentives for selected distributed devices to process workloads for a distributed processing system. N distributed devices 750-753 that have a port (e.g., 723) capable of coupling to at least one location sensor (L-sensor) and one environmental sensor (E-sensor) have accepted an incentive to form a sensor based distributed processing system by adding a least one E-sensor and means for acquiring L-data (e.g., from an L-sensor). Distributed device 719 has two E-sensors 716 and 718. The L-sensors (e.g., GPS) provide location data identifying the location of a particular distributed device relative to server system 713. The E-sensors generate environmental data (E-data) including but not limited to temperature, humidity, video image of surroundings, etc., relative to the particular distributed device to which it is coupled. E-data may also include data for identification of a human (e.g., fingerprint data or electronic ID data) or a property item (e.g., bar code data or electronic tag data). E-sensors also provide sensor identification (sensor ID) data that is readable which identifies its sensor type. Server system 713 has software that is capable of sending to each participating distributed device a sensor software agent that is capable of sampling location sensor data (L-data), environment sensor data (E-data), as well as the corresponding sensor ID data and sending it to the server system in response to a request from the server system 713. Server system 713 stores any available E-data, L-data, and sensor ID data for all of the distributed devices (850-854) in sensor database 712. Server system 713 has software that may either automatically or with a user input, manually, configure a sensor based data collection system by selecting N of the distributed devices with desired locations (L-data) and E sensors in response to analyzing the data stored in sensor database 712. Server system 713 may offer incentives to the distributed devices to add specific sensors to upgrade their potential for participating in sensor based distributed processing and data collection in the future. Distributed devices 750-754 may be wireless and still be within the scope of the present invention.

(Emphasis Added.) Also, at least paragraph [0028] discloses “These client system incentives, which may be stored in an incentives database as part of the server systems 104, may be used by the server systems 104 to encourage client systems to be utilized for objectives of the distributed processing system 100.” (Emphasis added.) Additionally, at least paragraph [0063] states “In addition to sensor data, the sensor systems have sensor identification (ID) data for identifying the sensor type.” (Emphasis added.) Thus, Applicants believe the rejections under 35 U.S.C. § 112 are rendered moot and request that they be withdrawn.

#### **Rejections under 35 U.S.C § 103**

The Examiner rejects claims 29-54 under 35 U.S.C. § 103(a), as being unpatentable over Smith et al., US Patent No. 6,611,686, ("Smith"), in view of Biorge, U.S. Patent No. 5,806,045 ("Biorge"). (It is assumed that the Examiner intended to include claims 49-54 in her summary on page 6 of the Office Action.) Applicants respectfully disagree with these rejections, but Applicants present claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

The Examiner concedes on page 7 of the Office Action that Smith does not disclose or contemplate "to provide environmental data and location data received from at least one sensor coupled to the one or more remote distributed devices" and "wherein the incentive is based at least in part on a type of said at least one sensor, as recited in previous claim 1." Biorge is presented to cure the deficiencies of Smith.

On page 8 of the Office Action, the Examiner states Biorge discloses the limitation "to provide environmental data and/or location data received from at least one sensor coupled to the one or more remote distributed devices (i.e. incentives for user devices to be involved in transactions; column 5, lines 20-33)." However, column 5, lines 20-33 specifically states "This incentive credit amount is not applicable to the present transaction but may be redeemed only in a future purchase. Thus, the customer has an incentive to enter into a future transaction with the same or another participating provider." (Emphasis added). Biorge also explicitly clarifies "The transaction may be a purchase of a good or a service from the provider," (col. 5, lines 21-22). Therefore, Biorge discloses the customer has an incentive to enter into a future transaction in contrast to the device being provided with an incentive to send information as recited by the pending claims. Moreover, the transaction as outlined in Biorge is not equivalent to, nor does it contemplate a transfer of data such as "environmental data" or "location data".

Additionally, to support the limitation "wherein the incentive is based at least in part on (system capabilities of the one or more remote distributed devices or) a type of said at least one sensor" the Examiner cites col. 5. lines 50-63 of Biorge. (Reproduced below.)

To elaborate, suppose that the transaction amount arises from the purchase of a television set. A television set has a particular incentive code (stored in the base device) associated with it. This incentive code is cross-referenced with the incentive program codes stored within the provider device. The provider may have a variety of incentive program codes stored in the provider device, with each code corresponding to a particular incentive plan. Some of these plans may apply to electronic products such as television sets and some

may apply to other types of products. By cross-referencing the incentive code with the incentive program codes, the plans which apply to the purchased product are ascertained.

Column 5, lines 50-63 are silent as to a type of sensor. Instead, Biorge merely discloses devices that may have incentive codes associated therewith. Moreover, Biorge is silent as to “the system capabilities of the one or more remote distributed devices” as recited by independent claim 29 (as amended) and as similarly recited by independent claims 37, 43, 49, and 54. Moreover, Biorge is silent as to “wherein the incentive is based at least in part on system capabilities of the one or more remote distributed devices comprising a type of said at least one sensor.” Thus, Applicants respectfully submit that the Examiner has not shown a *prima facie* case of obviousness, in part because the Examiner has not carried the burden of factually supporting the conclusion of obviousness.

As such, the cited references alone or in combination do not disclose or contemplate “to provide at least one of environmental data or location data received from at least one sensor coupled to the one or more remote distributed devices” and “wherein the incentive is based at least in part on system capabilities of the one or more remote distributed devices comprising a type of said at least one sensor,” as recited by independent claim 29 (as amended) and as similarly recited by independent claims 37, 43, 49, and 54. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

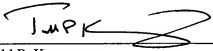
Dependent claims 30-36, 38-42, 44-48, and 50-53 variously depend from independent claims 29, 37, 43, 49, and 54. Therefore, Applicants assert that dependent claims 30-36, 38-42, 44-48, and 50-53 are patentable for at least the same reasons stated above for differentiating independent claims 29, 37, 43, 49, and 54, as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 30-36, 38-42, 44-48, and 50-53.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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